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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,874

12/09/2003

Ruben F. Lah

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6740

21999 7590 04/06/2007

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EXAMINER

LEUNG, JENNIFER A

ART UNIT

PAPER NUMBER

1764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/731,874	Applicant(s) LAH, RUBEN F. ✓	
	Examiner Jennifer A. Leung	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-25-07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment submitted on November 3, 2006 has been received and carefully considered. Claims 1-58 are under consideration.

### *Terminal Disclaimer*

2. The terminal disclaimers filed on November 3, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration dates of U.S. Patent Nos. 6,565,714 and 6,964,727 have been reviewed and is accepted. The terminal disclaimers have been recorded. The application now contains terminal disclaimers for US 6,565,714; US 6,964,727 and US 6,989,081 (i.e., which was previously submitted on April 11, 2005 for application number 10/977,834).

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

Art Unit: 1764

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-10 and 47-52 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,660,131. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant claims are fully encompassed by the claims of the '131 patent. In particular, it is noted that the '131 patent similarly claims an apparatus comprising:

- (a) a coke drum having at least one port therein, said coke drum receiving material therein from a manufacturing system and process (e.g., see claim 1);
- (b) a de-header valve removably coupled to said port of said coke drum for regulating the throughput of said port and for allowing repeated de-heading and re-heading of the coke drum (e.g., see claim 1), said de-header valve comprising:
  - (1) a main body having an orifice dimensioned to align with said port of said coke drum when said de-header valve is coupled thereto (e.g., see claim 1);
  - (2) a valve closure operably supported by said main body, said valve closure capable of being actuated to oscillate between an open and closed position with respect to said orifice and said port (e.g., see claim 1: a sliding blind);
  - (3) means for supporting said valve closure (e.g., see claim 1: a dynamic, live loaded seat assembly; a static seat assembly);
- (c) a continuously maintained metal to metal contact seal between said valve closure and said means for supporting said valve closure (e.g., see claims 1-3); and
- (d) means for actuating said valve closure (e.g., see claim 1: the sliding blind is controlled by an actuator).

Art Unit: 1764

The following are PROVISIONAL obviousness-type double patenting rejections:

4. Claims 1-58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 31-49 of copending Application No.

10/983,417. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant claims are fully encompassed by the claims of the '417 application. In particular, regarding claims 1-6 and 8, it is noted that the '417 patent similarly claims an apparatus comprising:

- (a) a coke drum having at least one port therein (e.g., see claim 31);
- (b) a de-header valve removably coupled to said port of said coke drum for regulating the throughput of said port and for allowing repeated de-heading and re-heading of the coke drum (e.g., see claim 31), said de-header valve comprising:
  - (1) a main body having an orifice dimensioned to align with said port of said coke drum when said de-header valve is coupled thereto (e.g., see claim 31);
  - (2) a valve closure operably supported by said main body, said valve closure capable of being actuated to oscillate between an open and closed position with respect to said orifice and said port (e.g., see claims 31 and 38: a gate);
  - (3) means for supporting said valve closure (e.g., see claims 31 and 40-45: at least one seat, a seat support system);
- (c) a continuously maintained metal to metal contact seal between said valve closure and said means for supporting said valve closure (e.g., see claims 32 and 33); and
- (d) means for actuating said valve closure (e.g., see claim 34-37).

Regarding claims 7 and 11-58, the '417 application similarly claims each of the instantly

Art Unit: 1764

recited valve types (see claim 46).

Regarding claims 9 and 10, the '417 application similarly claims a steam purge system (e.g., claim 48) and an internal material isolation and containment system (e.g., claim 49).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented

5. Claims 1-58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 11/111,480. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant claims are fully encompassed by the claims of the '480 application. In particular, regarding claims 1-6 and 8, it is noted that the '480 application similarly claims an apparatus comprising:

- (a) a coke drum having at least one port therein (e.g., see claim 1);
- (b) a de-header valve removably coupled to said port of said coke drum for regulating the throughput of said port and for allowing repeated de-heading and re-heading of the coke drum (e.g., see claim 2), said de-header valve comprising:
  - (1) a main body having an orifice dimensioned to align with said port of said coke drum when said de-header valve is coupled thereto (e.g., see claim 2);
  - (2) a valve closure operably supported by said main body, said valve closure capable of being actuated to oscillate between an open and closed position with respect to said orifice and said port (e.g., see claim 2);
  - (3) means for supporting said valve closure (e.g., see claims 2-4: a seat support system);

- (c) a continuously maintained metal to metal contact seal between said valve closure and said means for supporting said valve closure (e.g., see claim 2); and
- (d) means for actuating said valve closure (e.g., see claim 6).

Regarding claims 7 and 11-58, the '480 application similarly claims each of the instantly recited valve types (e.g., see claim 7).

Regarding claims 9 and 10, the '417 application similarly claims a steam purge system (e.g., claim 5) and an internal material isolation and containment system (e.g., claims 1, 8-17).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1-58 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10, 59 and 60 of copending Application No. 11/396,982. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant claims are fully encompassed by the claims of the '982 application.

In particular, regarding claims 1-6 and 8, it is noted that the '982 application similarly claims an apparatus comprising a de-header valve comprising:

- (1) a main body having an orifice dimensioned to align with said port of said coke drum when said de-header valve is coupled thereto (e.g., see claim 1);
- (2) a valve closure operably supported by said main body, said valve closure capable of being actuated to oscillate between an open and closed position with respect to said orifice and said port (e.g., see claim 1);
- (3) means for supporting said valve closure (e.g., see claims 2-6, 59 and 60: a seat

support system);

- (c) a continuously maintained metal to metal contact seal between said valve closure and said means for supporting said valve closure (e.g., see claim 1); and
- (d) means for actuating said valve closure (e.g., see claim 1).

Regarding claims 7 and 11-58, the '982 application similarly claims each of the instantly recited valve types (e.g., see claim 7).

Regarding claims 9 and 10, the '982 application similarly claims a steam purge system (e.g., claim 9) and an internal material isolation and containment system (e.g., claim 10).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-10 and 47-52 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 11/202,883. Although the conflicting claims are not identical, they are not patentably distinct from each other because are fully encompassed by the claims of the '883 application. In particular, it is noted that the '883 application similarly claims an apparatus comprising a valve which comprises:

- (1) a main body having an orifice (e.g., see claim 1);
- (2) a valve closure operably supported by said main body, said valve closure capable of being actuated to oscillate between an open and closed position with respect to said orifice and said port (e.g., see claims 1 and 4: a blind);
- (3) means for supporting said valve closure (e.g., see claims 1, 5-7 and 11: a first seat and a second seat);



Art Unit: 1764

- (c) a continuously maintained metal to metal contact seal between said valve closure and said means for supporting said valve closure (e.g., see claim 3); and
- (d) means for actuating said valve closure (e.g., see claim 8-10).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-10 and 47-52 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 38-50 of copending Application No. 11/151,055. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant claims are fully encompassed by the claims of the '055 application. In particular, it is noted that the '055 application similarly claims an apparatus comprising a coke drum de-heading valve comprising:

- (1) a main body having an orifice dimensioned to align with said port of said coke drum when said de-header valve is coupled thereto (e.g., claim 44);
- (2) a valve closure operably supported by said main body, said valve closure capable of being actuated to oscillate between an open and closed position with respect to said orifice and said port (e.g., claims 38 and 41: a blind);
- (3) means for supporting said valve closure (e.g., claims 38, 46, 47 and 50: a seat assembly);

a continuously maintained metal to metal contact seal between said valve closure and said means for supporting said valve closure (e.g., claim 40); and means for actuating said valve closure (e.g., claims 38, 48 and 49).

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is (571) 272-1449. The examiner can normally be reached on 9:30 am - 5:30 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarella can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer A. Leung  
March 30, 2007



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